

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

)	
)	
Plaintiff,)	No. CIV PHX RCB
)	
vs.)	ORDER SETTING RULE 16
)	SCHEDULING CONFERENCE
)	
Defendants,)	
_____)	

Pursuant to the local rule governing differentiated case management, this action, commenced on , 2006, is designated a **standard track** case. Accordingly,

IT IS HEREBY ORDERED:

Pursuant to Rule 16, Federal Rules of Civil Procedure, a Scheduling Conference is set for , 2006, at p.m., Sandra Day O'Connor United States Courthouse, 401 West Washington Street, SPC 61, Sixth Floor, Courtroom 606, Phoenix, Arizona 85003-2158. Counsel are directed to Rule 16 for the objectives of this conference. At least one of the attorneys for each party attending the conference shall have authority to enter into stipulations and make admissions regarding all matters which may be discussed.

1 Counsel and all unrepresented parties shall confer
2 before the conference regarding:

3 A. Possibility of consent to trial before a United
4 States Magistrate Judge pursuant to 28 U.S.C. §636(c), or
5 reference to a master;

6 B. Any matters relating to jurisdiction, venue or
7 joinder of additional parties;

8 C. The scope of discovery, and possible limitations
9 thereof. Counsel and unrepresented parties are expected to
10 comply with Rule 26(f) of the Federal Rules of Civil
11 Procedure and seek to minimize the expense of discovery. In
12 cases where dispositive motions will be filed, counsel and
13 unrepresented parties should consider limiting discovery to
14 the issue at hand until the court has ruled on the motion;

15 D. A schedule of all pretrial proceedings, an
16 estimate of the length of trial, and any suggestions for
17 shortening trial. A trial date will be set at the pre-trial
18 conference.

19 E. Prospects for settlement, and whether any party
20 desires having a settlement or other conference before a
21 judicial officer, or participating in any other alternative
22 dispute resolution forum (see Local Rule 83.10); and

23 F. Any other matters which counsel may feel will help
24 dispose of the matter in an efficient and economical manner.

25 G. Counsel and unrepresented parties shall file with
26 the Court, not less than ten days before the Scheduling
27 Conference, a joint report reflecting the results of their
28 discussions. The report shall include individually numbered

1 brief statements indicating;

2 1. The nature of the case, setting forth in
3 brief statements the factual and legal basis of plaintiff's
4 claims and defendant's defenses;

5 2. The factual and legal issues genuinely in
6 dispute, and whether they can be narrowed by stipulation or
7 motion;

8 3. The jurisdictional basis of the case,
9 citing specific statutes;

10 4. Parties, if any, which have not been served,
11 as well as parties which have not filed an answer or other
12 appearance. Unless counsel and unrepresented parties can
13 otherwise show cause, an order shall accompany the joint
14 report dismissing any party which has not been served, or
15 seeking default judgment on any non-appearing party.

16 5. The names of parties not subject to the
17 Court's jurisdiction;

18 6. Whether there are further dispositive or
19 partially dispositive issues to be decided by pretrial
20 motions, and the legal issues about which any pretrial
21 motions are contemplated;

22 7. Whether the case is suitable for reference
23 to arbitration, to a master, or to a United States
24 Magistrate Judge for trial;

25 8. The status of related cases pending before
26 other judges of this Court or before other courts;

27 9. Proposed scheduling deadlines, including
28 those deadlines contained in the attached form of Scheduling

1 Order (Attachment #1), unless inapplicable. Counsel and
2 unrepresented parties shall submit a proposed Scheduling
3 Order consistent with Attachment #1. Although the court
4 strongly urges that agreement be reached, if counsel and
5 unrepresented parties cannot agree on deadlines, separate
6 proposed Scheduling Orders with separate proposed deadlines
7 shall be submitted for discussion at the Scheduling
8 Conference.

9 10. Estimated date that the case will be ready
10 for trial, the estimated length of trial, and any
11 suggestions for shortening the trial;

12 11. Whether a jury trial has been requested;

13 12. The prospects for settlement, including any
14 request to have a settlement conference before a United
15 States Magistrate Judge, or other request of the court for
16 assistance in settlement efforts.

17 13. In class actions, the proposed dates for
18 class certification proceedings and other class management
19 issues. Such certification will result in the case being
20 reassigned to the **complex track** for case management
21 purposes;

22 14. Whether any unusual, difficult, or complex
23 problems or issues exist which would require this case to be
24 placed on the **complex track** for case management purposes;
25 and

26 15. Any other matters which counsel feel will
27 aid the Court in resolving this dispute in a just, speedy,
28 and inexpensive manner.

After the conference, the Court will enter a Scheduling Order, which shall control the course of the action, unless modified by subsequent Order. Counsel and unrepresented parties are cautioned that the deadlines set at this conference shall be enforced.

It is the responsibility of plaintiff's counsel (or plaintiff if unrepresented) to initiate the communication necessary to prepare this joint report and the proposed Scheduling Order.

This Court views this Scheduling Conference as critical to its case management responsibilities and the responsibilities of the parties under Rule 1, Federal Rules of Civil Procedure.

DATED this day of _____, 200__.

Robert C. Broomfield
Senior United States District Judge